

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

JOHN FRIAR

PLAINTIFF

V.

CIVIL ACTION NO. 1:17-CV-101-SA-DAS

SYNTRON MATERIAL HANDLING, LLC

DEFENDANT

ORDER

After the pending Motion to Dismiss or for Summary Judgment [14] was fully briefed, the Plaintiff filed a Motion to Strike [21]. The Plaintiff argues that the Defendant improperly raised a new argument in its reply brief and requests that the Court either strike the reply or allow the Plaintiff to file a sur-reply. Specifically, the Plaintiff argues that he has not had an opportunity to respond to the Defendant's severance proceeds divestment argument.

The Defendant opposes the Plaintiff's request to strike the reply, but does not oppose the Plaintiff's alternate request to file a sur-reply. Although the Uniform Local Rules do not specifically provide for sur-replies, it is the usual practice of this Court to allow them in particular circumstances. In the interest of judicial efficiency and in an effort to have the relevant issues fully briefed, the Court will allow the Plaintiff to file a brief sur-reply on this particular issue only.

The Plaintiff's Motion to Strike [21] is GRANTED in PART and DENIED in PART. The Plaintiff has seven days from the issuance of this order to file a brief sur-reply on the issue of divestment.

So ORDERED on this the 12th day of March, 2018.

/s/ Sharion Aycock  
UNITED STATES DISTRICT COURT JUDGE